

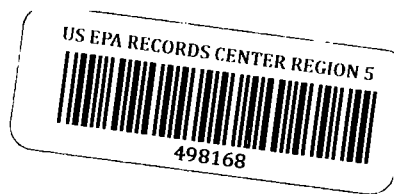


**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**230 SOUTH DEARBORN ST.**

**CHICAGO, ILLINOIS 60604**



REPLY TO THE ATTENTION OF:

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Selmer Company/Bach Vincent  
2100 E. Industrial Parkway  
Elkhart, ID 46516

RE: Request for Information Pursuant to Section 104(e) of CERCLA  
Concerning the East Jackson Street area in Elkhart, Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release of hazardous substances, pollutants, contaminants, or waste materials in the general vicinity of East Jackson Street. This investigation requires inquiry into the use, storage, treatment, release, spillage, and disposal of certain substances in this general vicinity.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to fully and truthfully respond to each and every Information Request within 30 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the U.S. EPA to seek penalties from a federal court of up to TWENTY FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance. "Noncompliance" is considered by the U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that providing false, fictitious, or fraudulent statements or representations may subject a person to criminal penalties of up to TEN THOUSAND DOLLARS (\$10,000) or up to FIVE (5) YEARS of imprisonment or both under 18 U.S.C. Section 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq. Your response to this Information Request should be mailed to the following:

Ken Theisen  
U.S. Environmental Protection Agency,  
5HR-11  
230 South Dearborn Street  
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Mr. Charles C. McKinley of the Office of Regional Counsel at (312) 886-6613. If you have any other questions, please contact Mr. Ken Theisen at (312) 886-1961.

Due to the seriousness of the problem and the legal ramifications of your failure to respond promptly and properly, the U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,

Mary Gade  
Acting Associate Division Director

Attachment

cc: Charles McKinley  
Ken Theisen

## FIRST SET OF INFORMATION REQUESTS

### INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.

2. Precede each answer with the number of the Information Request to which it corresponds.

3. In answering each Information Request, identify all contributing sources of information.

4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.

5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.

6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge,

and regardless of source.

7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent between 1960 and the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representative, this information shall be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed

by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in section 104(e)(7)(ii) of CERCLA.

#### DEFINITIONS

For the purpose of the Instructions and Requests for Information set for herein, the following definitions shall apply;

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.

2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

3. "The Site" or "The Facility" shall mean and include the entire property on which the Respondent's business is located, in the general vicinity of East Jackson Street, Elkhart, Indiana.

4. The terms "hazardous substance" "pollutant" or "contaminant", shall mean methylenechloride, 1,1,1,-trichloroethane, trichloroethylene, perchloroethylene, other solvents, trichlorofluoromethane, dichlorofluoromethane, and all materials containing any of said substances.

5. The terms, "furnish," "describe," "identify", or "indicate," shall mean turning over to EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

6. The term "identify" with respect to a natural person means to set forth his full name, present or last known business address, the name of that employer and a description of the responsibilities of such person.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

9. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

10. "Transaction" means every separate act, deal, instance, or occurrence.

11. As used herein, "document" and "documents" shall include writing of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any

documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

INFORMATION REQUESTED

1. Identify the respondent pursuant to the foregoing Instructions and Definitions.

2. Identify all persons consulted in the preparation of the answers to these Information Requests.

3. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.



4. If you have a reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

5. For how long has the Respondent been located at its present site.

6. For the period from 1960 to the present, has Respondent utilized, or had on its premises for any reason, hazardous substances as defined above.

7. If the answer to request #6 is in the affirmative, set forth for each such hazardous substance and for each year since 1960:

- a. the amounts purchased or acquired,
- b. the amounts used in respondent's manufacturing processes,
- c. the activities and/or processes utilizing such substances,
- d. the amount of each substance generated as waste or by product,
- e. the method used to dispose of or treat such waste.

8. Identify all persons (as defined) who played a role, or performed any activity, in connection with the defined hazardous substances, including all wastes containing said hazardous substances.

9. Identify all documents pertaining to the defined hazardous substances or activities involving the use of said hazardous substances, including those pertaining to wastes which

contain said hazardous substances.

10. For each defined hazardous substance identify and describe each and every release (as defined) from 1960 to the present which occurred at the site. Set forth with particularity:

- a. the date(s) of each release,
- b. the specific substances which were released,
- c. the volumes of each substance released,
- d. the location and type of each release,
- e. any efforts or activities taken to contain, mitigate, remediate, or recover the released substances,
- f. the identity of all persons having knowledge of each such release,
- g. identify all documents pertaining to each release.

11. Do you have information or knowledge about the release of any of the defined hazardous substances which may have occurred within one mile of the respondent's site.

12. If the answer to request # 11 is in the affirmative, provide the information requested in items # 10 a - g to each such release.